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1 Q. Did everyone else on in your group have a
2 CCNA?

3 A. Chris did, if I'm not mistaken.
4 Other than that, not that I was aware of.

5 Q. Was there any opportunity when you were in
6 this group, that you were dealing with some of the
7 engineers in global engineering?

8 MS. WALSH: Objection to the form.

9 THE WITNESS: Strictly from a
10 connectivity standpoint, I mean, what cabling
11 they needed.

12 So they would engage us to, like, gauge
13 how many cables they needed, port capacity, make
14 sure all the cabling infrastructure -- excuse me
15 -- make sure all the cabling infrastructure was
16 in place for work, whatever it was.

17 From a cabling perspective, we pretty
18 much supported the entire building, right. So we
19 would offer support from that perspective.

20 BY MS. BOUCHARD:

21 Q. What others in your group in 2003 had your
22 knowledge of networking?

23 A. As it pertained to our job? Everybody.

24 Q. No. I'm asking your level of networking.

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1 MS. WALSH: Objection to the form.

2 THE WITNESS: I wouldn't be able to
3 tell you what knowledge they had, and what
4 knowledge they didn't have, right, like that. I
5 wasn't in their brain.

6 So Chris was -- as far as like
7 certifications were concerned, Chris DiPinto was
8 on the same track.

9 But as far as our job was concerned,
10 right, pretty much everybody there had the same
11 level of knowledge.

12 Like the CCNA certification was not
13 relevant, right, to my job responsibilities,
14 right, as a telecom analyst.

15 BY MS. BOUCHARD:

16 Q. Well, according to what you're saying now.

17 But at least according to Tom in your 2003
18 review, your knowledge of networking did have an impact
19 on your review.

20 MS. WALSH: Is that a question or a
21 comment?

22 THE WITNESS: It's not --

23 MS. BOUCHARD: It's a comment.

24 MS. WALSH: Right. You're not

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1 asking him a question.

2 You're making a comment on the record?

3 MS. BOUCHARD: Well, he's stating
4 that --

5 MS. WALSH: Are you arguing with
6 the witness?

7 I mean, ask him questions. I don't want
8 you arguing with the witness. You're challenging
9 his testimony and you're not --

10 MS. BOUCHARD: Are you finished?

11 MS. WALSH: -- asking a question.

12 BY MS. BOUCHARD:

13 **Q. You're saying that your certifications**
14 **weren't relevant to your position.**

15 **Is that what you're saying?**

16 MS. WALSH: I think his testimony
17 was that you don't need the certification to be
18 able to do the job.

19 MS. BOUCHARD: Don't testify for
20 him.

21 MS. WALSH: You're
22 mischaracterizing his testimony.

23 Do we want to have it read back?

24 BY MS. BOUCHARD:

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1 Q. What is your testimony with respect to your

2 CCNA --

3 A. You didn't need a CCNA in order to perform
4 the network support telecom analyst job we were doing,
5 essentially.

6 It wasn't relevant to the -- the scope of the
7 curriculum, right, wasn't necessarily relevant to the
8 job duties performed, right.

9 Q. Did you understand that Tom felt that it was
10 helpful though?

11 A. Essentially, all you need is three commands
12 to troubleshoot a network connection. So, yeah, he
13 thought it was helpful.

14 Maybe he didn't know a command. That's fine.
15 I taught it to him.

16 Q. Did you create any training guides or manuals
17 like the lab control manual?

18 A. At this time in Citigroup, they were going
19 through an audit procedure. And pretty much what we
20 had to do for our day-to-day activities, right, from a
21 network support perspective, needed to be put on paper,
22 right.

23 Q. That's in 2003, you're talking about?

24 A. It actually lasted for a while in Citigroup.

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1 It started while I was with the network integration
2 group. And it continued while I was with network
3 engineering.

4 I mean, you don't realize how much -- how --
5 the level of detail, right, that they were -- you don't
6 realize -- okay.

7 Since we were being audited, right, they want
8 to look at every step of everything that we did. So a
9 ticket came in, you know, how was it routed, who dealt
10 with it, so on and so forth, right.

11 So what they wanted from us was best
12 practices on how we performed our support operations,
13 right.

14 And when you put that on paper, you know,
15 essentially that was what I was asked to do.

16 **Q. You're talking about 2003?**

17 A. I did it while I was in Tommy's group, yeah.
18 I helped maintain the PCM too.

19 **Q. The Process and Control Manual?**

20 A. Yeah.

21 **Q. So you helped maintain the Process and**
22 **Control Manual when you worked for Tom's group?**

23 A. Yes.

24 **Q. What was involved with maintaining that**

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1 **manual?**

2 A. Pretty much mapping the different systems
3 that we used. Like, for instance, we used several
4 different trouble ticketing systems while I was at
5 Citigroup, right.

6 So initially, I think it was like GPMS. So
7 then there was GPMS, then there was -- I forgot what
8 the last trouble ticketing system, but there was
9 another trouble ticketing system.

10 Every time they changed the trouble ticketing
11 system, we would go in and pretty much review the
12 manual.

13 It was like a training manual. So you would
14 go in and review the manual and, like, step people
15 through the procedure that you would use to answer --
16 like, to respond to a ticket, right.

17 **Q. So modifying the procedures as the procedures**
18 **changed, you would input that into the manual?**

19 A. We were trained in the systems.

20 After we were trained in the systems, they
21 needed to be included in the PCM.

22 **Q. What about when you were in global**
23 **engineering?**

24 Did you have responsibility for creating the

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1 manuals there?

2 A. It was forced on me, yeah.

3 Q. Can you describe what those responsibilities
4 were?

5 A. They had a framework -- being that I was
6 familiar with the whole PCM thing because I was helping
7 maintain it for Tommy's group as far as our procedures
8 are concerned, they had a whole framework of things
9 that needed to be answered.

10 So they asked me to pretty much put what I
11 did to support the lab on paper, in regards to like
12 receiving equipment, inventorying equipment, right,
13 installing equipment, getting equipment on the network,
14 so on and so forth, because there was a whole set of
15 compliance issues that needed to be met.

16 So they asked me to put my procedures on
17 paper in light of, you know, what needed to be achieved
18 and just to make sure -- and possibly change the way we
19 did things, you know, if for some reason it didn't add
20 to any of the -- of like the audit framework that they
21 had going on.

22 Q. Is the correct name a lab user guide?

23 A. No. It was more of like -- like a training
24 manual for people that were going to be performing the

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1 job, right, as far as like what they needed -- the
2 minimum amount of things they needed to do in light of
3 our audit requirements, right.

4 It was an audit tool, really.

5 **Q. So if the consultant had been hired full**
6 **time, that would have been a tool that they could have**
7 **used?**

8 **A.** It would have helped them, but it was more
9 audit centric than anything.

10 I mean, the actual -- like the job steps
11 weren't necessarily completely included in there.

12 It would have helped, but it would have given
13 them an understanding of what they needed to know as
14 far as like audit concerns.

15 I don't think that they took it in context.
16 It would have helped. A little bit of both.

17 **Q. So it was a manual for training in auditing?**

18 MS. WALSH: Objection to the form.

19 Go ahead.

20 THE WITNESS: You can't necessarily
21 say that. Like they weren't too sure about where
22 they wanted to take it, right. And I really
23 wasn't too concerned.

24 Some people like, for instance, Tommy

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1 tried to maintain his manual from a standpoint
2 where it was a run book for newly hired
3 employees, right.

4 And he would meticulously document all
5 the procedures, right, that we did on a
6 day-to-day basis within his PCM, right.

7 BY MS. BOUCHARD:

8 **Q.** So that's what Tommy wanted you to put down
9 **in the PCM?**

10 A. He pretty much told me like after we -- if a
11 new system came in, he would tell me what he wanted,
12 what procedure he wanted me to do screen captures for
13 and put into the PCM as far as like answering a ticket
14 was concerned.

15 **Q.** Now, going back to when you worked for Tom,
16 **where did he sit in relation to you?**

17 A. Initially, he sat down a couple of desks away
18 from us. And then eventually he moved down to
19 125 Broad Street.

20 **Q.** When did he move to a different building?

21 A. I don't recall.

22 **Q.** You don't remember?

23 A. I don't recall.

24 **Q.** How would you communicate with him, by

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1 e-mail?

2 A. I mean, when he moved, we no longer needed to
3 deal with him directly because someone else was
4 assigned as team lead, right.

5 Actually, I wasn't even with him when he
6 moved. I had already moved to -- while I was there, he
7 was -- he used to sit near us.

8 He actually ended up moving like subsequent
9 to me being in global engineering.

10 Q. So if you wanted to talk to him or he wanted
11 to talk to you, would you just go to each other's
12 desks?

13 A. For the most part.

14 Q. When you were in the analyst position, would
15 you say you worked more or less than the other
16 analysts?

17 A. About the same. I mean, pretty much we were
18 responsible for different areas of the building. So if
19 a move was taking part in the area of the building or
20 if somebody was getting hit with, you know, an
21 excessive workload, we would pretty much try to even it
22 out between the guys.

23 Q. When you talk about a move taking place in
24 the building, is there terminology for a move?

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1 Is that called "a restack," or is that
2 something else?

3 A. The restack was a series of moves that took
4 place.

5 Q. So a restack is when you're moving a series
6 of computers to a different network?

7 I don't want to misstate it.

8 A. All right. What the restacks -- I mean, the
9 familiarity I have with the term, right, and the
10 restacks I can recall, was that Citigroup was trying to
11 expand the amount of people and the amount of network
12 connections that they could have on a particular set of
13 floors, right.

14 So they had 200 desks on this floor. Now,
15 they wanted to have 250 desks on this floor.

16 That means that they needed to change all the
17 furniture, right. And after they changed all the
18 furniture and created these 250 desks, they needed to
19 run connections, right, network cable connections into
20 the closet, right.

21 And then when they were done, the computers
22 would be deployed, right. And after the computers were
23 deployed, we would come through and take care of the
24 network cabling because now it was 250 connections as

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1 opposed to the 200 connections that were existing.

2 Cable are brought into different places. We
3 would document what cables, what place, right. So in
4 the future, we can turn around and support these
5 network connections, right.

6 **Q. In that restack, would there be a move to a**
7 **different network, or would they stay on the same**
8 **network?**

9 A. It wasn't my concern. I mean, my concern was
10 connectivity, right. So the equipment was set up by
11 other people. Port capacity was accounted for by other
12 people. Everything was accounted for by other people.
13 We just needed to make sure we had enough cables.

14 And then when you went to every desk and you
15 tested out. We had a -- what's called a fluke, right,
16 which pretty much tested for network connectivity, if
17 the network connection came up.

18 **Q. Why weren't electricians simply doing that?**

19 A. Again, because --

20 MS. WALSH: I'm going to object.

21 It's asked and answered. But go ahead.

22 THE WITNESS: For the same reason
23 as before, right.

24 When you have a computer network in the

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1 building, right, the cabling, right, you run the
2 potential -- you don't want a lot of people doing
3 the cabling, right. You want one central group
4 dealing with it.

5 This way they can document where
6 everything is connected.

7 BY MS. BOUCHARD:

8 Q. So when --

9 A. You can keep track of everything that's
10 connected.

11 Sometimes, you know, you might have like --
12 you're going to have a cable at the users desk, right.
13 And then you're going to have a cable at the closet.

14 In other instances, you know, you're cabling
15 equipment in between floors, right. In other
16 instances, you might be cabling equipment between more
17 than one floor, right.

18 So having electricians dealing with all these
19 connections, right, ran the potential for them to
20 disconnect something. And you have no clue where it
21 was that they disconnected it, right. Because
22 essentially, if I'm not mistaken, at 388 Greenwich
23 Street, all of the connections went back to the 12th
24 floor.

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1 Q. So were you guys subject matter experts for
2 the cabling aspect?

3 MS. WALSH: Objection to the form
4 of the question.

5 THE WITNESS: No.

6 There was subject matter experts in the
7 engineering departments.

8 We were support personnel. We were given
9 -- I mean, there was procedure control manuals
10 for everything we did. So we weren't necessarily
11 subject matter experts.

12 I mean, I wouldn't even categorize as --
13 there was people that were subject matter -- we
14 were support personnel for the network
15 connections.

16 (Whereupon, a discussion was held
17 off the record.)

18 (Whereupon, a recess was taken for
19 lunch.)

20 (Whereupon, Exhibit Millan-6 was
21 marked for identification.)

22 BY MS. BOUCHARD:

23 Q. Mr. Millan, what has been placed as Exhibit 6
24 is a 2005 Midyear Performance Plan Summary.

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1 Could you take time to review this, and then
2 we'll ask you some questions about it.

3 A. Sure.

4 Q. Have you taken the time to review this?

5 A. Sure.

6 Q. In the section titled, "Overall Performance
7 Summary," is that an accurate reflection of your
8 performance from January 1, 2005, to May 31, 2005?

9 A. To a certain extent, yeah.

10 I mean, the product development efforts -- I
11 was supporting them by installing equipment, right.

12 And the compliance related duties really was
13 stuff that was given to me because I was in a position
14 to provide like inventories, stuff of that nature,
15 putting procedures there for completing lab work,
16 right, on paper, so on and so forth.

17 Q. So when you talk about the compliance-related
18 activities, you're talking about the manual being one?

19 A. Yeah.

20 Q. Then you were in charge of inventory; is that
21 correct?

22 A. Yeah.

23 Q. Why did you need to create an inventory
24 tracking system?

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1 A. We were never able to put in an inventory
2 tracking system.

3 I mean, essentially, what we ended up doing
4 was we had a connectivity database which pretty much we
5 documented all of the devices that came into the lab
6 and needed to be installed in this connectivity
7 database. So that's preliminary what we managed.

8 And we ended up using that as a basis to
9 compile these insurance questionnaires, so on and so
10 forth. Because the assumption was that anything that
11 came into the lab would eventually be connected and
12 documented and so forth.

13 So that's why they had to do that there.

14 **Q. So I just want to clarify.**

15 **The inventory was used as a basis to complete**
16 **an insurance questionnaire?**

17 A. Correct.

18 **Q. Did you complete the insurance questionnaire?**

19 A. For 388 Greenwich, yeah, because it was --
20 essentially, what we submitted was our connectivity
21 database.

22 **Q. So for 388 Greenwich, were you doing the**
23 **inventory for that area as well?**

24 MS. WALSH: Objection to the form.

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1 Go ahead.

2 THE WITNESS: In '05, I mean,
3 depending on where we were.

4 If we were already in Warren, then it was
5 for the Warren facility. I did it for the local
6 facility where we were at.

7 When we were in 388, I did it for 388.

8 BY MS. BOUCHARD:

9 Q. Okay. Understood.

10 Then how much in terms of dollars was tracked
11 on the inventory?

12 MS. WALSH: Objection to the form.

13 THE WITNESS: For -- again, I don't
14 remember exact figures. I don't -- it was in the
15 millions, really.

16 BY MS. BOUCHARD:

17 Q. In the tens of millions?

18 A. Possibly.

19 Q. Would it have been in the hundreds of
20 millions?

21 A. No. Tens.

22 Q. So somewhere between ten and a hundred
23 million?

24 A. Ten, twenty.

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1 Q. Ten, twenty million?

2 A. Max. I think it was around 10 million.

3 Q. How often would the insurance questionnaire
4 need to be filled out?

5 A. Annually.

6 Q. Was the insurance questionnaire to understand
7 what they were insuring?

8 A. From my understanding, after the whole World
9 Trade Center thing, right, Seven World Trade, Citigroup
10 was in there, they lost X amount of dollars. So it was
11 for a similar type scenario, right.

12 If you were to lose a complete site, what
13 would it cost you to replace the equipment you had in
14 there.

15 Q. So that's why you needed a count by count, to
16 know exactly how many pieces of what you had at any
17 given time?

18 A. Um-hum.

19 Q. I know that's a real basic way of putting it,
20 but --

21 A. Essentially, that's what it was. I mean, we
22 would receive evaluation equipment from different
23 companies and stuff. So essentially since we didn't
24 own the assets, right, it wasn't necessarily captured

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1 anywhere.

2 So global engineering itself needed to keep
3 track of the assets. And I needed to keep track of
4 what's installed and then get them on the network track
5 and return them, so on and so forth, right.

6 **Q. Were they leased assets?**

7 A. A combination. I mean, really I wouldn't be
8 able to tell you because I don't know the equipment,
9 but I wouldn't even arrange the agreements for the
10 equipment.

11 I mean, I received the equipment. The
12 engineer was responsible for submitting a request. Let
13 us know when the equipment was coming, right.

14 We would receive it, track it towards their
15 request, complete the request and notify them when the
16 request was finished.

17 **Q. You said that the company didn't own the**
18 **equipment though.**

19 A. I couldn't necessarily tell you. I mean, in
20 certain instances -- I wasn't privy to that knowledge.

21 **Q. Oh, I thought you said that they didn't own**
22 **it.**

23 A. No. Certain things in the lab were owned,
24 certain things like -- that's part of the purpose of

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1 the annual insurance questionnaire, right, because
2 there was no clear procedure -- effective procedure in
3 place.

4 Q. So for certain equipment you had to determine
5 whether CTI owned it versus whether it was leased out
6 from the vendor and needed to be returned at some
7 point?

8 A. It was up to the person who was asking for
9 the equipment to be installed into the lab, right, to
10 notify us what needed to be done with it whether it was
11 owned, whether it was leased, whether, you know,
12 whatever the case might have been, whether they
13 borrowed it from somebody else somewhere else in the
14 company, you know.

15 Like there was different scenarios.

16 Q. But you kept track of all of that
17 information?

18 A. We tried to keep track of it. We couldn't do
19 it effectively with the staffing we had.

20 Q. But you tried the best you could to keep
21 track of that?

22 A. Correct.

23 Q. If you could turn to the first page --

24 A. To the first page?

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1 MS. WALSH: Of Exhibit 6.

2 MS. BOUCHARD: Of Exhibit 6, yes.

3 BY MS. BOUCHARD:

4 Q. Do you see where in the primary areas for
5 improvement it says, "Task Prioritization"?

6 A. Yeah.

7 Q. Do you see where it says: "Improve on 'quick
8 wins.' When faced with multiple tasks of similar
9 priority, try to accomplish tasks that do not require
10 much effort first, utilize SLAs to assist in task
11 prioritization"?

12 A. Yes.

13 Q. What are SLAs?

14 A. SLAs are service level agreements.

15 Q. What is meant by, "utilize SLAs to assist in
16 task prioritization"?

17 A. Okay.

18 MS. WALSH: If you know.

19 THE WITNESS: Yeah, I mean,
20 essentially, it was something we were trying to
21 get -- well, Paul was trying it get accomplished,
22 and I didn't particularly think was feasible.

23 He wanted to give people a date from the
24 time we received the piece -- the volume of

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1 requests that we had was so overwhelming, right,
2 to install equipment, that we actually -- and we
3 weren't using any systems to track it.

4 Because like I mentioned before, global
5 engineering had absorbed the support function for
6 their own labs and did not want to use the
7 typical avenues that were available to the rest
8 of the company, right, the typical tools that
9 were available to the rest of the company.

10 So the usual tools that we used on the
11 regular network support side of the company,
12 right, would give you SLAs, would be able to
13 gauge the amount of employees you needed to
14 complete these requests, so on and so forth,
15 right.

16 Since we didn't have a system to track
17 the amount of requests we were receiving, it was
18 more or less a paper trail, right.

19 And we only had two employees again doing
20 the work that would typically take four people to
21 do, right, in your average data center.

22 So Paul wanted us to gauge like the time
23 it was going to take us to install. It was
24 impossible to do.

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1 It was something we constantly struggled
2 with.

3 BY MS. BOUCHARD:

4 Q. How did you determine when you had so many
5 tasks to do, which ones you would make first priority?

6 MS. WALSH: Objection. Foundation.

7 THE WITNESS: Basically, the order
8 they came in.

9 BY MS. BOUCHARD:

10 Q. So you say the order they came in, but then
11 how would you decide when to work on the integration of
12 the Warren lab, for example?

13 I'm just wondering given the bulk of what you
14 had to do --

15 A. Taking direction from Paul and Amedeo.

16 Essentially, they set up weekly meetings
17 where they would meet with the various team leads
18 within the engineering disciplines. And they would
19 prioritize pending requests versus requests that needed
20 to be worked on.

21 When we were at 388 Greenwich Street, we were
22 processing them in the order that they came in. And as
23 far as like, I mean, the Warren migration stuff was
24 concerned, there was a project manager dictating what

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1 information he needed, and when he needed it, for the
2 most part.

3 Then the project managers dropped off the
4 project.

5 **Q. When did the project managers drop off the**
6 **project?**

7 A. Towards the end there was a lapse in time.
8 And then they hired another company to come in and
9 finish up.

10 They had a consultant to come in and finish
11 up.

12 **Q. What happened during that period of time**
13 **where there was a gap?**

14 MS. WALSH: Objection to the form
15 of the question.

16 THE WITNESS: The moves were
17 delayed. They pushed back the dates on the moves
18 like countless times.

19 BY MS. BOUCHARD:

20 **Q. If you could turn to the second page of this**
21 **document, did you understand that those were your**
22 **year-end goals?**

23 A. Yeah.

24 (Whereupon, a discussion was held

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1 off the record.)

2 (Whereupon, Exhibit Millan-7 was
3 marked for identification.)

4 BY MS. BOUCHARD:

5 Q. What's been marked as Exhibit 7 is a 2005
6 year-end Performance Review.

7 Why don't you take some time to read it, and
8 then I'll ask you questions on it.

9 A. Okay.

10 Q. Mr. Millan, I'd like to focus on the
11 assessment of job-related factors in Section 2. It's
12 actually on the first page. Just Section 2.

13 It states for job proficiency and knowledge,
14 you have "strong performance" checked. And it says,
15 "drawing on his experience, Carmelo was able to perform
16 multiple roles in the Lab Migration Project. He acted
17 as a project manager, infrastructure technician, data
18 center management, and network integration."

19 Would you agree with that statement?

20 A. To a certain extent, yeah.

21 Q. Moving to productivity efficiency, you got
22 strong performance in that category. And the
23 supporting comment is: "Along with being able to
24 consistently manage multiple tasks from eight different

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1 engineering disciplines, Carmelo was able to work on
2 the lab migration project and at the same time train a
3 new resource in the lab coordinator role."

4 Is that an accurate statement?

5 A. Yes.

6 Q. Was the person you were training, was that
7 Naseer?

8 A. Correct.

9 Q. Going to initiative, you received a strong
10 performance in that. And it says, "Carmelo, without
11 being asked, will stay late and come in on weekends to
12 make sure that the job gets done."

13 Do you see that?

14 A. Yes.

15 Q. So no one asked you to do that.

16 You just did that on your own?

17 A. No. That's inaccurate.

18 It was implied that if the job didn't get
19 done, obviously it would be an issue, right.

20 Q. You said it was implied?

21 A. Yes.

22 Q. But not expressed.

23 This says, "Carmelo, without being asked."

24 Did anyone ask --

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1 A. I think the wording on that is misleading.

2 Really, I mean, if something needed to get done, we
3 would discuss how it was going to get done, right.

4 And if there wasn't sufficient time to do it,
5 we would like obviously come in and do it, right.

6 **Q. So this is an inaccurate statement that**
7 **someone is commending you for your initiative, and you**
8 **don't believe that it's accurate?**

9 MS. WALSH: Objection to the form.

10 THE WITNESS: No.

11 What I'm stating is that we were
12 understaffed, things needed to be done, right.

13 It was understood that if certain things
14 didn't get done, obviously there would be an
15 issue. It's like with anybody.

16 You're given a job deliverable, right,
17 and it's the expectation that you're going to try
18 your best to meet it, right.

19 BY MS. BOUCHARD:

20 **Q. Right. You act like a professional and you**
21 **make sure it gets done?**

22 A. Yeah.

23 So you're assuming, right, that I'm not being
24 asked. I mean, obviously, I am being asked because the

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1 fact of the matter is, all right, this needs to get
2 done, we have X amount of hours, what are you going to
3 do about it, right?

4 So I am being asked indirectly, no.

5 **Q. Because you're taking responsibility for the**
6 **work that your doing?**

7 MS. WALSH: Objection to the form.

8 THE WITNESS: No. Performing the
9 work I need to perform, right, to keep my job.

10 BY MS. BOUCHARD:

11 **Q. All right.**

12 A. The review wouldn't look this good if I had
13 sat there, right, and said, oh, you know what? We need
14 four more people, you know.

15 Carmelo would have been fired. Axed. I have
16 a family to support, right.

17 **Q. So you agree that this is a positive review?**

18 A. I don't necessarily agree with everything
19 that's written in here and the character that you're
20 putting it in, but, yeah, it is a positive review.

21 (Whereupon, a discussion was held
22 off the record.)

23 (Whereupon, Exhibit Millan-8 was
24 marked for identification.)

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1 BY MS. BOUCHARD:

2 Q. Mr. Millan, what's been placed before you is
3 a year-end assessment for 2006. Why don't you take
4 some time to review that.

5 A. Okay.

6 Q. Mr. Millan, do you agree with me that there's
7 a change in how your manager perceived your performance
8 from 2005 to 2006?

9 MS. WALSH: Objection to the form.

10 THE WITNESS: That's what the
11 review indicates.

12 BY MS. BOUCHARD:

13 Q. If you turn to page 8 of 10, your comments
14 where it says, "I have tried my best to persevere in
15 the face of a challenging situation. I consistently
16 thought of the organization's well-being when making
17 business decisions."

18 Was that accurate?

19 A. As far as prioritizing my workload was
20 concerned -- essentially this entire review, right,
21 reflects the fact that things started falling behind in
22 the lab, right, my primary responsibilities, which were
23 taking care of the lab.

24 So if you look at it in that light, what you

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1 realize is that --

2 Q. I was just asking if this statement that you
3 yourself made was accurate.

4 A. As far as performing installations was
5 correct, yes.

6 Q. Where does it say with respect to performing
7 installations?

8 A. I mean, it was obvious. The whole review is
9 centric around that issue.

10 The reason I got a bad review, right, is
11 because at this point they needed to manage my
12 responsibilities down to the task level that's written
13 in there somewhere, all right.

14 And down to the task level meant down to my
15 day-to-day activities with installing devices and
16 making sure that people -- they get connected and
17 people get their work done, so on and so forth, right.

18 If you look at all the other activities that
19 are listed on here that I'm receiving a bad review
20 because of, it's because I haven't completed any of
21 them because of the amount of workload that I have from
22 installing servers and tracking equipment and plugging
23 them into the network is so excessive, right, that I
24 can't complete any of other things.

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1 So now, basically, the entire situation is
2 hitting the fan, right, and I'm receiving a bad review.

3 Q. In the manager comments, it says: "Since the
4 midyear review, Carmelo was issued a formal written
5 warning for his attendance. Carmelo's poor attendance
6 showed lack of responsibility on his part and
7 ultimately affected the productivity of the group."

8 Do you see that?

9 A. Yes.

10 Q. Do you think that if you had shown up to work
11 on time and left at the correct time, that that might
12 have helped your workload?

13 MS. WALSH: Objection to the form.

14 THE WITNESS: No. The workload had
15 been excessive for an extremely long period of
16 time up until now, right.

17 So it --

18 BY MS. BOUCHARD:

19 Q. But when you leave early and you come in
20 late, that further creates workload problems, correct?

21 MS. WALSH: Objection.

22 Argumentative.

23 BY MS. BOUCHARD:

24 Q. You would agree?

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1 A. Again, as far as --

2 Q. It's a question.

3 A. What was the question?

4 Q. Well, if you come in late and you leave
5 early, that's going to further cause workload problems
6 for you, isn't it?

7 MS. WALSH: Objection to the form.

8 THE WITNESS: I mean, we had the
9 ability to work remotely, so on and so forth. So
10 it wouldn't necessarily be indicative of the
11 hours that you were spending in the office,
12 right.

13 Like there was a lot of data entry work
14 involved with what we were doing, right. So it
15 wasn't necessarily indicative of the amount of
16 time that you were spending working, right.

17 BY MS. BOUCHARD:

18 Q. Did you tell your supervisors that you were
19 working from home and that you shouldn't get the
20 performance review?

21 A. I couldn't correlate the days, right, to the
22 time I received the review.

23 At that point in time, to be quite honest,
24 when I had received the write-up from him, all right,

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1 I don't know where to turn. I don't know what to do,
2 essentially, right. I was overwhelmed by the
3 situation.

4 So really, as far as I was concerned, I was
5 like, all right, you're going to be letting go of the
6 consultants, you know. Like this situation is
7 obviously spiraling out of control.

8 We've had this conversation on and off,
9 right, about this place needing to be staffed better,
10 right, for us to perform what it is you want us to
11 perform down here, right.

12 Like, I was up in arms about it. So I didn't
13 really give it much thought.

14 **Q. In the manager comments, it says: "The**
15 **semi-annual lab access review had not been completed to**
16 **date, and as such puts us at audit risk for not**
17 **following our PCMs."**

18 **Do you see that?**

19 **A. Yes.**

20 **Q. At least your manager thought that that was**
21 **your responsibility; isn't that correct?**

22 MS. WALSH: Objection to the form.

23 THE WITNESS: Again, at this point
24 in time I was asking him for a written job

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1 description.

2 BY MS. BOUCHARD:

3 Q. I'm asking, your manager at least perceived
4 it as your responsibility given that it's in the
5 manager comments?

6 A. They had given me the responsibility.

7 MS. WALSH: Objection to the form.

8 BY MS. BOUCHARD:

9 Q. Okay. They had given you the responsibility.
10 The next comment is, "Carmelo did not keep
11 the lab inventory current during the lab migrations
12 until requested by his management team. And as such
13 has put us at risk with 'Lab Insurance Questionnaire'
14 and capacity planning capability for the lab."

15 Do you see that?

16 A. Yes.

17 Q. So that was your responsibility as well?

18 MS. WALSH: Objection.

19 THE WITNESS: These were
20 responsibilities that were being forced on me.
21 And I couldn't push back on them because they
22 kept refusing to give me a job description,
23 right.

24 So you can make anything my

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1 responsibility that just comes up and needs to
2 get done. You can make it my responsibility, but
3 that doesn't mean it's my job, right.

4 If you're not giving me a job
5 description, how can you -- I mean, pretty much
6 the scenario could come up where, you know, a
7 totally new responsibility comes up and all of a
8 sudden, all right, let's just give it to Carmelo,
9 right, like he's the only guy supporting the lab.

10 Obviously, I was the support person,
11 right. So all this support-related stuff came to
12 me.

13 BY MS. BOUCHARD:

14 **Q. So you disagreed that all of this should be**
15 **your responsibility, but your managers were giving it**
16 **to you anyway?**

17 MS. WALSH: Objection to the form.

18 THE WITNESS: Essentially, that's
19 true. That's what happened.

20 (Whereupon, a discussion was held
21 off the record.)

22 (Whereupon, Exhibit Millan-9 was
23 marked for identification.)

24 BY MS. BOUCHARD:

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1 Q. What's been marked as Exhibit 9 is a pay
2 period record from the last pay period in 2006. And it
3 reflects that your total wages to date were \$74,448.58.

4 Do you see that?

5 That's at the Total column.

6 A. Yeah.

7 Q. It states your employer -- it's in sort of
8 the middle piece of the page.

9 Do you see that?

10 A. Yeah.

11 Q. It says, Citigroup Technology, Inc.?

12 A. Yeah.

13 Q. Your regular wages were about \$2,500 per
14 week; is that correct?

15 A. Yeah.

16 Q. Yes?

17 A. Yes.

18 Q. Or that might be pay period, I'm sorry, since
19 it's a two-week period.

20 I didn't mean to misrepresent that.

21 A. It was bi-monthly.

22 Q. Bi-monthly, okay.

23 (Whereupon, a discussion was held
24 off the record.)

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1 (Whereupon, Exhibit Millan-10 was
2 marked for identification.)

3 MS. WALSH: Were you asking him if
4 the figure reflected on the page was accurate, or
5 the question was whether his -- we might just
6 want to clarify that --

7 MS. BOUCHARD: Sure.

8 MS. WALSH: -- because you asked
9 him whether his weekly --

10 BY MS. BOUCHARD:

11 Q. Going back to Exhibit 9, you received a
12 salary, correct?

13 A. Yeah.

14 Q. It was a bi-monthly salary of about \$2,500?

15 A. Yes.

16 (Whereupon, a discussion was held
17 off the record.)

18 BY MS. BOUCHARD:

19 Q. Mr. Millan, this is a pay record from the
20 last pay period in 2001, okay.

21 So this reflects your earnings through the
22 year in 2001, if you agree. And it says earnings were
23 \$45,881?

24 Do you see that in the bottom --

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1 A. The bottom left, yeah.

2 Q. Does that sound about right?

3 A. Yes.

4 Q. It has a pay rate.

5 But did you receive a salary on a
6 semi-monthly basis?

7 A. Bi-monthly.

8 Q. Bi-monthly?

9 A. The entire time, yeah.

10 Q. Okay. Thanks.

11 When you were at CTI, did you input your time
12 at any time?

13 A. Yes, weekly -- monthly basis.

14 Q. Why was that done?

15 A. To track against the projects we were putting
16 in time against.

17 Q. So --

18 A. To book our time as well.

19 Q. -- that would be a way to determine how much
20 time a particular project took?

21 A. Yeah.

22 Q. Would you record your time in all cases, or
23 was it only for certain projects?

24 A. No, we were -- well, there was different

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1 buckets that were created by the managers and we were
2 expected to put forth our efforts supporting it.

3 Q. What if there wasn't a bucket for something,
4 but you were still doing work?

5 What would you do at that time?

6 A. There wasn't, for the most part.

7 Q. There were buckets for most everything?

8 A. Yeah, I mean -- well, if there wasn't a
9 bucket, we would ask what bucket to use. We would be
10 instructed to put it towards this deliverable or
11 whatever the case may be.

12 Q. How did you input your time?

13 A. Via TRS.

14 Q. Is that a computer program?

15 A. Yeah.

16 Q. Once you inputted your time, where did it go?

17 A. That, I'm not sure about.

18 Q. Did you send it to your manager?

19 A. Yeah, they were aware of it.

20 Q. No. I'm saying, did you send an e-mail to
21 your manager with the amount of time, or did you press
22 a button and it goes somewhere else in the system?

23 A. I would assume that it went to them. Because
24 if you didn't do it, they would notify you.

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1 Q. But do you know if they reviewed it, or
2 whether they just got a notifications that you didn't
3 do it?

4 A. That I'm not sure about.

5 Q. Was there any month for any reason that you
6 would have recorded time as zero?

7 A. Recorded time?

8 Well, if you missed it and for some reason
9 your manager wasn't notified or failed to notify you.

10 Q. Is there any reason why you would miss an
11 entire month of time if you were in fact working?

12 A. Other than the scenario that I was
13 mentioning, I mean, where you might have missed it and
14 they missed it as well.

15 Q. For a whole month?

16 Do you ever recall missing time for a whole
17 month where you were actually working?

18 A. Possibly, at one time around the migrations.

19 Q. Why is that?

20 A. Because there was so much going on.

21 Q. Do you recall what months those were?

22 A. No, I wouldn't be able to tell you off the
23 top of my head.

24 Q. Was there any reason in 2004, why you didn't

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1 work any hours in July or December?

2 MS. WALSH: Objection. Foundation.

3 THE WITNESS: I don't recall.

4 BY MS. BOUCHARD:

5 Q. Do you recall taking significant vacations
6 during those months?

7 A. I guess. I don't recall.

8 Q. In 2004, would you have failed to record your
9 time for two whole months?

10 A. I don't recall why it's not there.

11 Q. You just don't have any idea?

12 A. No.

13 Q. You were the sole person responsible for
14 putting in your own time though, correct?

15 A. If it wasn't completed, our manager was
16 supposed to notify us. We were supposed to take care
17 of it.

18 Q. So if it is coded as zero, does that mean you
19 didn't work in those months?

20 A. I'm not sure what it reflects. I mean, I
21 would assume, yeah.

22 MS. BOUCHARD: Okay. I just need
23 five minutes.

24 MS. WALSH: Okay.